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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,604	11/19/1998	NABUAKI TOMIDOKORO	0557-4524-2	4501
22850	7590	02/28/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 09/195,604	Applicant(s) TOMIDOKORO ET AL.	
	Examiner Joseph R. Pokrzywa	Art Unit 2622	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☒ The reply was filed <sup>BEFORE</sup> ~~after~~ the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on 28 January 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the reasons discussed in the attached action.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
Joseph R. Pokrzywa  
Examiner  
Art Unit: 2622

## DETAILED ACTION

### *Response to Appeal*

1. An appeal under 37 CFR 1.191 was filed in this application on 1/28/05. Appellant's brief is due on 3/28/05 in accordance with 37 CFR 1.192(a).

### *Response to Arguments*

2. The request for reconsideration filed on 10/25/04 has been entered and considered but does not overcome the rejection because of the following reasons.
3. In response to applicant's arguments regarding the rejection of **claim 1**, which was cited as being unpatentable over Ogura (European Patent Publication Number EP 0 768 582, cited in the Office action dated 1/15/04) in view of Ote *et al.* (U.S. Patent Number 5,815,652, cited in the Office action dated 1/15/04), wherein applicant argues on pages 8 and 9 that both Ogura and Ote fail to teach if the image forming devices are configured to detect a transmission fault from at least one of a central service station and a communication control unit through a process periodically initiated by each of the image forming devices.
4. As discussed in the Office action dated 7/28/04, as the claims are currently worded, one of ordinary skill in the art can reasonably interpret the combination of Ogura and Ote as teaching of each of the image forming devices being configured to detect a transmission fault from at least one of the central service station and the communication control unit through a process periodically initiated by each of the image forming devices. Ogura teaches that each of the image forming devices (seen in Fig. 20, and column 22, line 39 through column 23, line 42) are

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configured to detect a transmission fault from at least one of the central service station and the communication control unit (“transmitted normally” or “reported normally?” in Figs. 21 and 22) over a predetermined period (“timer > 3 minutes” in Fig. 21 and “timer > 20 minutes” in Fig. 22). However, Ogura fails to expressly disclose if the *process is periodically initiated* by each of the image forming devices.

5. Ote is being utilized to teach of a similar periodically initiated process. Particularly, Ote teaches of a process that is periodically initiated by each of the image forming devices, as read in column 11, lines 39 through 49, and column 12, line 48 through column 13, line 1, wherein Ote shows of using a schedule, which is a periodically initiated process. Thus, Ote teaches of an image forming device, noted as the managing computer 23 or the remote managing computer 27, that receives a fault event from the agent 17, as seen in Fig. 13, thus detecting a transmission fault from at least one of the central service station and the communication control unit.

6. The applicant further argues on page 8, that the computers 23 or 27 are not image forming devices. The examiner notes that a computer can be considered an image forming device, since an image can be formed within the device. While this is different than the copier than is described in the specification of the current application, the claims are worded so as to require “a plurality of image forming devices”. With this, Ote shows of that the above feature occurs through a process periodically initiated by each of the image forming devices, whereby the managing computers 23 and 27 set and transmit schedule information for one year of preset power-off and power-on operating times of computer 10, thereby causing the computer 10, which includes the network adaptor 141 and the network driver 201, to operate at specified times, therein being a “process periodically initiated” by the managing computers.

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7. Continuing, applicant argues on pages 8 and 9 that the faults detected in Ote are actually detected in the computer 10, and that the automatic operation management taught in Ote is unrelated to the detection of transmission faults. The examiner notes that faults are detected in the computer 10. However, as seen in Fig. 13, the fault logs are additionally transmitted to the remote managing computers 23 and 27. Thus, one of ordinary skill in the art can recognize that the managing computers 23 and 27 effectively detect faults of the computer 10 upon reception of the fault event log, where a fault warning is displayed on a screen.

8. The reference of Ote is being relied upon to teach of a **periodically initiated process**. As seen above, Ote teaches of a system that detects faults through a periodically initiated process. Because Ogura teaches all of the other features set forth in the claim, it would have been obvious to one of ordinary skill in the art to combine the periodically initiated process of Ote in the system of Ogura.

9. Therefore, the rejection of independent **claim 1**, as well as independent **claims 7, 30, and 36**, as cited in the Office action dated 7/28/04, under 35 U.S.C.103(a), as being unpatentable over Ogura in view of Ote *et al.*, is maintained. Further, for the same reasons discussed above, the rejection of dependent **claims 2-6 and 31-35** are also maintained.

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***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Examiner  
Art Unit 2622



jrj